



Development of Amendments to Rules Concerning Lead and Copper

#00-111(WPCB)

Overview

The Indiana Department of Environmental Management (IDEM) has developed draft rule language concerning amendments to 327 IAC 8-2 concerning lead and copper to be presented to the Water Pollution Control Board (WPCB) on January 10, 2001 for consideration of final adoption.

Citations Affected

This rulemaking amends 327 IAC 8-2-37, 327 IAC 8-2-38, 327 IAC 8-2-39, 327 IAC 8-2-40, 327 IAC 8-2-41, 327 IAC 8-2-43, 327 IAC 8-2-44, 327 IAC 8-2-46.

Affected Persons

Community and nontransient noncommunity water systems that are required to monitor for lead and copper may be affected by the revisions to the rule.

Reason(s) for the Rule

On January 12, 2000, U.S. EPA published National Primary Drinking Water Regulations for Lead and Copper. Indiana is required to adopt these revisions in order to maintain primacy (primary enforcement authority) for the lead and copper rule.

Economic Impact of the Rule

This rulemaking will not affect treatment related costs associated with the lead and copper rule. There is an associated cost in regards to the monitoring and reporting requirements. EPA believes that within three (3) years the costs will be offset by the cost savings.

Benefits of the Rule

The changes in this rule will allow Indiana to continue to implement the federal lead and copper regulations. They will also improve implementation of the rule and the intended effect of the rule is to eliminate unnecessary requirements, streamline and reduce reporting burden, and promote consistent national implementation of the federal rule.

Description of the Rulemaking Project

This rulemaking was initiated with first Notice of

Comment Period published on June 1, 2000. Second Notice of Comment Period published on August 1, 2000. The rule amendments have met with no dissension: no comments have been received during first or second notice and none received at the first hearing.

Scheduled Hearings

First Public Hearing: November 8, 2000 at the Water Pollution Control Board (WPCB) Meeting at the Indiana Government Center-South.

Second Public Hearing: January 10, 2001 at the Water Pollution Control Board (WPCB) Meeting at the Indiana Government Center-South.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The amended rule is consistent with federal rules.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This

includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first hearing, and the draft rule. The Water Pollution Control Board holds the first hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Secretary of State.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Chris Rousch, Rules Section, Office of Water Management, (317) 233-8669 or (800) 451-6027 (in Indiana). For technical information regarding this rulemaking action contact Stacy Jones, Compliance Section, Drinking Water Branch, Office of Water Management, (317) 308-3292 or (800) 451-6027 (in Indiana).